

ATTACHMENT

REMARKS

In the outstanding Office Action, the Examiner has initially rejected claims 1 to 5, 13 to 22, 29 to 38 and 41 to 43 (including all of the independent claims, numbers 1, 17, 30 and 31) under 35 USC 103(a) as unpatentable over Colley or Born *et al.* in view of Lobb *et al.* (US 5,810,680).

In view of the rejection and comments made in the Action, the Examiner evidently accepts that Colley and Born are silent regarding the claimed feature of a data input means being provided with respective location data indicative of a respective location in terms of the phases (of play), so that the respective location data is available electronically without being entered during the sport or game. In addition, the Examiner evidently accepts that Colley and Born are also silent on the feature that the system is configured to transmit progress data and respective location data of the data input means.

In view of the above, the Examiner then contends that Lobb teaches an input unit that has these features, and that it would have been obvious to a person of ordinary skill to include these features, as taught by Lobb, in the input means of Colley or Born. However, it is submitted that Lobb *et al.* do not disclose these features.

As the Examiner points out, Lobb teaches a device that has a GPS tracked input unit. However, that input unit is not provided with "location data indicative of its position in terms of said phases [of said sport or game]." Rather, the CPU 100 of the device of Lobb is connected to a GPS receiver 108 that, as Lobb discusses from column 5 line

18, "is an absolute positioning system capable of providing accurate three dimensional position information." From column 5 line 45, it is explained that: "the preferred embodiment uses a single GPS receiver which is capable of determining absolute positioning in terms of latitudinal, longitudinal and altitudinal coordinates...". Thus, CPU 100 is provided with position in terms of latitude and longitude, *not* in terms of "phases of said sport or game" as claimed.

Of course, as is explained from column 9 line 43, the device of Lobb includes a touch screen display 130 on which may be displayed the golf course hole map, the ball position, the target hole, the distance from ball to hole, etc.. Even then, however, the device is not provided with location data indicative of its location in terms of the **phases** of the sport or game. Rather, at step 500, "before the game is started, the routine resets the current hole statistics to the starting hole" (column 9 line 39 and 40). That is, at initiation the device is not provided with location data indicating its location in terms of the phase of play (i.e. the first hole); rather, it assumes that it is at the starting hole. If a player decides instead to commence play at a different hole and *not* the usual starting hole as loaded before the commencement of play into memory 102 of the device, the device will attribute the first strokes of the player's game to the wrong hole. Furthermore, as a consequence the advice provided by the device (such as the distance to the next hole) will also be incorrect.

Once a hole is completed, provided that hole is not the final hole "the hole count is incremented in step 540 and the routine loops back to step 502" (column 10 lines 9 and 10). Thus, the device is again not provided with location data indicative of its location in terms of the phases of play, but rather with an incremented counter so that, *if*

a player follows a standard route, the device can attribute each stroke to the appropriate hole. If the player follows any other route around the course, the data held by the device will be inadequate for the device to determine which hole is being played.

The above discussed technique of Lobb is thus entirely distinct from providing the device with "location data indicative of its location in terms of said phases [of the sport or game]". As evident from the above, the device of Lobb will clearly incorrectly assign player activity to the respective holes if the player either commences from the "incorrect" hole, or follows an "incorrect" sequence of holes. Both of these—particularly the latter—occur commonly in golf, particular on crowded courses or with slow players ahead; and commencing on "incorrect holes" is designed during so-called "shotgun" starts where multiple foursomes all commence their rounds at the same time but on different (typically sequential) holes or the whole 18 hole course.

Thus, while the device of Lobb is provided with 1) absolute location data, 2) data indicating the usual sequence of phases of play, and 3) an incremented counter, at no point is the device provided with location data indicative of its location in terms of the phases of play, where such data is available electronically to the device during the phase of play. It is submitted, therefore, that combining the teaching of Lobb *et al.* with those of Colley or Born, though it might result in a system of greater convenience for the user, would not lead to the invention as defined in the present claims.

The Examiner also contends that Lobb *et al.* provide the claimed feature that "said system [is] configured to transmit progress data and respective location data of the data input means". However, this is not the case. The device of Lobb is adapted to upload the data "into the local database when the apparatus of the present invention is

docked with the personal computer of the clubhouse in step 290" (column 10 lines 13 to 15). This is facilitated by the provision of an infrared port 118 or, alternatively, serial and parallel ports 114 and 116 (see column 6 lines 25 to 29). There is no disclosure, however, that the device of Lobb is configured to transmit data pertaining to the progress of play to a data collection means. This facility provided by the present invention allows the clubhouse (at which may be located the data collection means in the form of central computer 12) to monitor the progress of each player through the golf course (see page 12 lines 11 to 13 of the present application). While Lobb discloses transmitting the complete match data at the end of play, this does not allow progress to be monitored as each player progresses through the course.

Thus, it is submitted that, despite the Examiner's contention, Lobb *et al.* fail to disclose that their system is configured to transmit *progress* data and respective location data of the data input means to the data collection means. For this reason, it is also submitted that the combinations of Lobb *et al.* with either Colley or Born do not render the present invention obvious.

In view of all of the above, it is thus submitted that independent claims 1, 17, 30 and 31 are all allowable over the cited combinations of references. In addition, it is submitted that dependent claims 2 to 5, 13 to 16, 18 to 22, 29, 32 to 38 and 41 to 43, as well as the remaining dependent claims, are all allowable over the cited combinations of references.

The Examiner rejects dependent claims 6 to 12, 23 to 28, 39 and 40 as unpatentable under 35 U.S.C. 103(a) over Colley or Born *et al.* in view of Lobb *et al.* further in view of Lyon (US 6,074,312). The Examiner contends that the references lack

the explicit disclosure of the data card and reader, but that Lyon teaches this feature and that it would have been obvious to a person of ordinary skill at the time of the invention to combine the similar golf score keeping teaching of Lyon with the golf devices of Colley, Born and Lobb.

However, Lobb *et al.* explicitly teach an alternative mechanism for performing the functions that, in Lyon, are provided by a card. The information carried by the card of Lyon relates to posted scores used in the calculation of a handicap (column 6 lines 35 to 40). In Lobb, however, this information is stored on a local or national database and, from step 232 of figure 4, downloaded into the memory 102 of the mobile device (column 9 lines 5 to 14). If the golfer's data is in neither the local nor the national database, the golfer is requested to enter a new identification and various personal statistics such as handicap (column 9 lines 15 to 17), and the routine creates a new golfer record in step 238.

The respective approaches of Lobb and Lyon are consequently entirely distinct, as Lobb teaches a centralized data storage system with local or national databases and Lyon teaches a personal and *decentralized* data storage system where each player maintains his or her own data on a smart card. This distinction is striking, even if one argued that the inputting of data for such a new golfer record in Lobb might be performed by means of a smart card, and it militates against the combining of the systems of Lobb and Lyon. Consequently, it is submitted that it would not have been obvious to the person of ordinary skill to combine the teachings of Lobb with those of Lyon. It is submitted, therefore, that dependent claims 6 to 12, 23 to 28, 39 and 40 are additionally patentable over the cited combination of prior art documents.

Favorable reconsideration of the rejection and allowance of the claims is respectfully requested.